IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15650 of 2004

Between:

G. Ramalakshmi W/o Govindappa,
R/o Chinnamustoor, Uravakonda Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Uravakonda Mandal, Anantapur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in disposing the appeal perfunctorily in his procceedings Rc. No. K4/ATP/991/2004, dt 25-8-2004 as illegal, arbitrary, capricious and consequently direct the respondents not to give effect to the order of the 2nd respondent in his proceedings Rc. No. D1/Cs/655/2004, dated 12-8-2004

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is a fair price shop dealer of Chinnamustoor village, Uravakonda Mandal, Anantapur District. Her authorization has been suspended by the 2nd respondent-Revenue Divisional Officer, Ananthapur, by his proceedings, dated 12-08-2004. It appears that before passing the said order, a show cause notice has been issued and after considering the explanation submitted by the petitioner, the 2nd respondent, having recorded the findings on each charge, suspended the authorization pending further enquiry. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent-Joint Collector, Anantapur along with an application for stay. The 1st respondent herein having entertained the appeal, passed the following order:

"Considering the grounds of appeal and order of suspension passed by the Revenue Divisional Officer, Anantapur in the reference 1st read above (Proceedings of the RDO, dt.12-08-2004), the request of the appellant for grant of stay is rejected and the case is hereby remanded to the Revenue Divisional Officer, Anantapur with a direction to proceed as per the rules and dispose of the case at an early date."

Aggrieved by the said order dated 25-08-2004, this writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of the respondents.

The learned counsel for the petitioner submits that the impugned order, dated 25-08-2004, passed by the 1st respondent is in the nature of a final order in the main appeal itself. He contends that the 1st respondent is not justified in passing the said order without any notice to the petitioner/appellant and without assigning any reasons in support of his conclusions.

On a perusal of the impugned order, dated 25-08-2004, it appears that it is a final order in the main appeal. The 1st respondent, being the competent authority to hear the statutory appeal, while disposing of the same, ought to have issued a notice to the petitioner and he is also required to assign the reasons in support of his conclusion. Particularly, the 1st respondent ought to have considered the issue whether the suspension of the authorization pending enquiry is warranted in the facts and circumstances of the case.

In the circumstances, I am of the view that the impugned order which appears to have been passed mechanically without reference to anyone of the grounds raised in the Appeal cannot be sustained. Accordingly, the same is set aside and the writ petition is disposed of, with a direction to the 1st respondent to consider the appeal and to pass appropriate orders afresh, after affording due opportunity to the petitioner. Keeping in view, the specific plea of the petitioner that no alternative arrangement has been made so far for distributing the commodities and that for the month of August, 2004, the commodities have been distributed through the Revenue authorities, I deem it appropriate to direct the 1st respondent to dispose of the application for stay in the Appeal filed by the petitioner in accordance with law within one week from the date of receipt of this order. No costs.

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01-09-2004

Note: Issue C.C in two days.

B/o.

Vs

To

1 The Joint Collector, Anantapur, Anantapur District
2 The Revenue Divisional Officer, Anantapur Anantapur District
3 The Mandal Revenue Officer, Uravakonda Mandal, Anantapur district

4 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

5 Two CD copies.